

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Squad #4	CCRB Case #: 201900051	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/10/2018 3:18 PM	Location of Incident: [REDACTED]	Precinct: 49	18 Mo. SOL 9/10/2019	EO SOL 9/10/2019	
Date/Time CV Reported Thu, 01/03/2019 11:15 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 01/03/2019 11:15 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Namely Holguin	21732	959698	049 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Rainard Wroten	12955	957295	049 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Namely Holguin	Off. Language: Police Officer Namely Holguin made remarks to § 87(2)(b) [REDACTED] based upon her perceived mental disability.	[REDACTED]

Case Summary

On January 3, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone.

On March 10, 2018, at approximately 3:18 p.m., multiple officers from the 49th Precinct, including Police Officer Namely Holguin, responded to a call regarding a burglary at § 87(2)(b)'s home located at § 87(2)(b) in the Bronx. PO Holguin asked § 87(2)(b) "Have you spent time in a mental hospital/institution? And do you take drugs?" (**Allegation A: Offensive Language-** § 87(2)(g) § 87(2)(b) was neither summonsed nor arrested.

There is no video evidence related to this incident.

Findings and Recommendations

Allegation A: Discourtesy- Police Officer Namely Holguin made remarks to § 87(2)(b) based upon her perceived mental disability.

§ 87(2)(b) stated (**Board Review 01**) that she had returned to her home. § 87(2)(b) entered her property and noticed that the telephone box by the basement area was opened and the wires were cut and hanging. § 87(2)(b) approached the backyard and was unable to unlock the door because the door appeared to be jammed. A locksmith was called and the locksmith gained access to § 87(2)(b)'s home. § 87(2)(b) did not call the police. She believed the alarm company called the police. Between five and eight officers in plainclothes and two uniformed officers, including PO Holguin, arrived. § 87(2)(b) told the officers, "Please help me. Something is terribly wrong here." The officers asked § 87(2)(b) if they could go inside to make sure no one was lingering around. § 87(2)(b) agreed and waited downstairs. Approximately 10 to 15 minutes later, the officers began to leave without saying anything to § 87(2)(b). § 87(2)(b) followed the officers and asked for help. PO Holguin chuckled. § 87(2)(b) asked, "Why are you laughing at me?" PO Holguin asked either, "Have you spent time in a mental hospital?" Or "Have you spent time in a mental institution?" "And do you take drugs?" § 87(2)(b) responded, "Now why would you insult me like that?" PO Holguin chuckled and did not respond. PO Holguin turned and walked away. § 87(2)(b) has experienced break-ins in her home since May 24, 2009. § 87(2)(b) believes the ongoing break-ins stem from her late-husband's past associations.

PO Holguin stated (**Board Review 02**) that there was a radio run of a burglary at § 87(2)(b)'s home. The call noted that males had broken into the house and were still inside. The call became a priority and came through at the time of change of tours so officers from Tour 2 and Tour 3 responded. PO Holguin did not recall any of the officers that were present. § 87(2)(b) was combative and appeared anxious, which PO Holguin determined based on her body language and because she wanted to clear the house along with the officers. § 87(2)(b) was convinced someone was in her house. The officers entered § 87(2)(b)'s home and cleared every room. § 87(2)(b) remained outside. While clearing § 87(2)(b)'s house, PO Holguin noticed photographs of deceased family members in front of each chair in the kitchen table. In front of each seat, there were drawings of food. § 87(2)(b) alleged that the backdoor was jammed, but it was not jammed; there was a chair placed to block the back door from opening and § 87(2)(b) appeared to have come out through the front. There were no signs of a break-in and no one was inside the house.

PO Holguin stated she was the main officer who spoke to § 87(2)(b) and they spoke throughout the incident. § 87(2)(b) is familiar to the precinct because she frequently calls the stationhouse and

states that her ex-husband cheated on her and that she was going to go after the young girl that took her ex-husband. PO Holguin has had prior interactions with § 87(2)(b) while answering her phone calls at the telephone switchboard operator desk and on instances in which § 87(2)(b) came to the stationhouse to make allegations against her ex-husband's lover. During this incident, § 87(2)(b) told PO Holguin that she did not like her because she resembled one of her ex-husband's secretaries and she called PO Holguin a "Spanish bitch." PO Holguin ignored the comment. § 87(2)(b) said that her deceased family members were in her home and that she speaks to them. § 87(2)(b) also stated there were people with guns in her house and that people were after her. § 87(2)(b)'s story did not add up. Given these factors and information, PO Holguin had a duty to determine whether § 87(2)(b) had a medical history and whether she required medical attention. PO Holguin usually asks if someone is on medication, taking medication, or is diagnosed with anything, hearing voices, or wants to hurt themselves or anyone else. These are typical mandatory reporter questions. PO Holguin asked § 87(2)(b) if she was on any medication or had any medical history. PO Holguin did not recall asking § 87(2)(b) whether she had spent time at a mental hospital or institution. § 87(2)(b) became verbally defensive and did not answer PO Holguin's questions. PO Holguin did not recall what § 87(2)(b) said except that she was going to file a CCRB complaint against her for questioning her. PO Holguin did not recall if she had a conversation with other officers regarding § 87(2)(b)'s mental health status.

Event No. § 87(2)(b) documents that, on March 10, 2018, at approximately 3:18 p.m., an alarm system for a residential burglary set off in the basement of § 87(2)(b). The call was closed as a duplicate (**Board Review 03**).

Event No. § 87(2)(b) documents that, on March 10, 2018, at approximately 3:37 p.m., an alarm system for a residential burglary set off in the basement of § 87(2)(b). § 87(2)(b) requested EMS to the location. The call was closed as a duplicate (**Board Review 04**).

Event No. § 87(2)(b) documents that, on March 10, 2018, at approximately 3:39 p.m., a female (unknown name) called to investigate a possible crime/call for help at § 87(2)(b). The call was closed as a duplicate (**Board Review 05**).

Event No. § 87(2)(b) documents that, on March 10, 2018, at approximately 3:53 p.m., § 87(2)(b) called 911 and reported a burglary at § 87(2)(b). § 87(2)(b) stated that someone was breaking into her house, that someone blocked access from the inside, that the phone lines were cut, that the backdoor was jammed, and that the perpetrator was inside. No injuries or weapons were reported. The call was closed as a non-crime corrected (**Board Review 06**).

Event No. § 87(2)(b) documents that, on March 10, 2018, at approximately 4:04 p.m., § 87(2)(b) called 911 and reported a burglary at § 87(2)(b) within the central hallway and second floor. The call was closed as a duplicate (**Board Review 07**).

§ 87(2)(b) alleged that PO Holguin laughed at her and asked, "Have you spent time in a mental hospital/institution? And do you take drugs?" PO Holguin admitted to asking § 87(2)(b) if she was on any medication or had any medical history to determine whether § 87(2)(b) required medical attention. PO Holguin did not recall asking § 87(2)(b) whether she had spent time at a mental hospital or institution. PO Holguin expressed that she was concerned for and had an obligation to

safeguard § 87(2)(b)'s wellbeing given her observations. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 08**).
 - PO Holguin has a member-of-service for three years and has been subject in two CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- § 87(2)(b)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
 - The New York City Office of the Comptroller has no record of a Notice of Claim filed in regards to this complaint (**Board Review 09**).
 - [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b)

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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